

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA - ATLANTA DIVISION

IN RE:

HARRY JAMES COBB, JR.,

Debtor.

CASE NO. 17-70919-bem

CHAPTER: 13

JUDGE: HONORABLE BARBARA
ELLIS-MONRO

OBJECTION TO CONFIRMATION OF PLAN AND MOTION TO DISMISS CASE

COMES NOW Citibank, N.A. as Trustee for American Home Mortgage Assets Trust 2006-4, Mortgage-Backed Pass-Through Certificates Series 2006-4, (hereinafter known as "Creditor"), a secured creditor holding a Security Deed on real property commonly known as 2926 Duncan Pl., Decatur, GA 30034, and for the reasons stated below, objects to confirmation of the Plan and moves to dismiss this case, as follows:

1. Creditor anticipates filing a pre-petition arrearage claim in the approximate amount of \$9,672.97, more particularly described in the proof of claim once filed. The plan calls for an estimated pre-petition arrearage amount of \$8,220.00 with monthly disbursements on this claim in the amount of \$62.00 increased to \$160.00 to start March, 2019. Debtor has underestimated the amount of the arrearage due to the Creditor. As such, the Plan will exceed 60 months, contrary to 11 U.S.C Section 1322 (d)(2).

2. Creditor reserves the right to raise the failure of Debtor to have made post-petition payments, if at confirmation that appears to be the case.

WHEREFORE, Creditor prays that the Court deny confirmation of the Plan and moves to dismiss this case. Creditor prays for reasonable attorney's fees and for such other and further relief as is just and equitable.

/s/ 

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify under penalty of perjury that I am, and at all times hereinafter mentioned, was more than 18 years of age, and that on the December 28, 2017, I served a copy of OBJECTION TO CONFIRMATION OF PLAN AND MOTION TO DISMISS CASE which was filed in this bankruptcy matter on the December 28, 2017, in the manner indicated:

The following parties have been served via e-mail:

Howard P. Slomka
shawn@slomkalawfirm.com

Mary Ida Townson
courtdailysummary@atlch13tt.com

The following parties have been served via U.S. First Class Mail:

Harry James Cobb, Jr.
2926 Duncan Place
Decatur, GA 30034

**I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT.**

Dated: December 28, 2017

Signature: /s/Amy Leonard

Printed Name: AMY LEONARD

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